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DEPARTMENT OF URBAN DEVELOPMENT & HOUSING

RESOLUTION

28 May, 2016

Subject :- Advertisement Policy for Urban Local Bodies Jharkhand 2016.

Resolution No.:- SUDA/AMRUT-Advertisement Policy-51/2016-2909-- After the creation of State of Jharkhand on 15th November 2000, the trend of migration from rural to urban areas is significantly in a higher side. Urbanization for the state now stands at 24 % whereas for India it is 31.2%.

The main objective of the policy is to “enhance physical/ visual appearance of a city, revenue generation and ensure road safety.” Policy for outdoor advertising is driven, not by revenue imperatives, but by city development imperatives.

In view of the above, the State Government has decided to make Advertisement Policy effective for Urban Local Bodies, Jharkhand 2016. This resolution shall include the following provisions.

BACKGROUND

Induction of the twelfth schedule in the constitution through 74th Constitutional amendment and Jharkhand Municipal Act, 2011 has brought various urban activities and services such as urban planning, regulation of land use, planning for economic and social development, safeguarding the interests of weaker sections of society, providing civic amenities, promotion of cultural, education and aesthetic aspects etc. within the purview of urban local bodies. The augmentation of revenue through various sources is important for the sustainability and self reliance of ULBs.

It is, therefore, inevitable for the urban local bodies to increase revenue and render services as per the requirement and necessity of the citizen and town in pursuance to the provisions as contemplated in the constitution. There are 42

urban local bodies consisting of 6 Municipal Corporations, 16 Nagar Panchayats, 17 Nagar Parishad and 02 Notified Area Committees (NAC) with 1 Municipality, responsible for implementation of the Urban development activities in their respective areas in the state of Jharkhand.

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1. The basis of the policy

1.1 Ensuring road safety

The policy is based upon a careful review of studies on the safety of hoardings. The premise of the policy is that all hoardings are not hazardous, but hoardings on roads, visible to traffic, are potential dangers to drivers. It is for this reason that the outdoor advertising policy has given careful and high consideration to issues of road safety. This requires the policy to consider the location, design, size or type of sign along the arterial routes, where the potential for conflicts with traffic safety is highest. It also requires enforcement measures to ensure that structures adhere to these stipulations. The policy is premised on the fact that while outdoor advertisements do bring revenue to the city, any city-based policy must be driven by considerations of safety and aesthetics. However, it is now more widely held that any policy for outdoor hoarding must not negate the safety of road users and in fact, it must be driven by the concern for road safety.

1.2 Working for city aesthetics

It is also clear that cities across the world are learning the need to balance city aesthetics with revenues that they earn through advertisements to promote the safety and recreational value of public travel, and to preserve natural beauty. The objective of the outdoor advertising policy is “to seek the enhancement of the aesthetic and natural beauty as well as visual appearance of the city.” The outdoor advertisement policy is designed to discourage the proliferation of signs along major transport routes, including roadways and railways. Therefore, under policy, advertising hoardings are ‘discouraged’ and only permitted based on the following criterion:

- a. If they support the commercial viability of a significant building tenant
- b. If they advertise a civic/community event involving the city
- c. If they can be considered as public art
- d. If the cumulative impact of the signs does not give rise to visual clutter.

1.3 Augmentation of revenue

The cities of Jharkhand are challenged more than ever to increase their own revenues to meet growing needs for urban services. For sustainable development and self reliance of urban local body Advertisement Policy should be based on the recommendations and measures to increase its own revenues from existing sources and mobilize funds from new sources.

2. APPLICABILITY OF THE POLICY

- 2.1 The guidelines issued under this Policy shall be applicable to all advertisements within the urban area in the State i.e., Municipal Corporation, Nagar Panchayat, Nagar Parishad, Municipality Notified Area Committees or any other area notified by the Government.
- 2.2 The Policy shall be applicable on land, building, wall, hoarding, urban public transport, urban intermediate public transport, urban public utilities, frame, kiosk, post, tree guards or by any other means whatsoever by which it is open to public viewing, visible from a public street or public place, whether moving or non-moving.
- 2.3 These guidelines shall apply in general to banners, boards, balloons, gantries, sub-ways illuminated and non-illuminated hoardings (including neon signs, electronic sign boards, video display boards etc.) mobile vans, passage shelters, posters, signs, temporary arches, and any other means of display of advertisements.
- 2.4 These guidelines however, do not apply to the following:
 - (i) Newspaper advertisements.
 - (ii) Radio and television broadcast and telecast.
 - (iii) Advertisements relating to public meeting or to an election to the Parliament or the State Legislature or the Corporation or to candidature in respect of such elections.
 - (iv) Exhibits within the doors/windows of any building, if the advertisement relates to the trade, profession or business carried on in that building.
 - (v) Relating to the name of the land or building upon or which the advertisement is exhibited or to the name of the owner or occupier of such land or building.
- 2.5 The Policy guidelines shall come into effect from their date of issue of the notification.

3. Guiding principles: Outdoor Advertising Policy 2016

The guiding principles of the Outdoor Advertising Policy are as follows:

- 3.1 The policy for outdoor advertising is driven, not by revenue imperatives, but by city development imperatives. Therefore, in its implementation, it will be clear that outdoor hoardings are permitted only if they are not a road safety hazard or if they support the city's public service development and enhance its aesthetics.
- 3.2 The policy will explicitly work to discourage visual clutter. This will be done by increasing the space between the billboards and in restricting large billboards to select areas of the city, like its commercial hubs.
- 3.3 The policy is designed to ensure that outdoor advertising is not hazardous to traffic. It will assume that there is a significant correlation between road safety and distraction because of roadside billboards, visible to the drivers. This will be done by allowing large size billboards only after significant distance from the traffic junctions and intersections, by providing significant space between the two billboards on roads, by completely banning billboards on pedestrian walkways and in placing billboards at significant distance from the right of way of any road.

- 3.4 In addition, large size billboards will be completely banned on major city arterial roads, like the ring road. The list of roads will be decided jointly between the Urban Local Body and the city traffic police.
- 3.5 The policy will actively promote the large size billboards in commercial areas (defined as city centre, district centre/sub centre, community centre/local shopping centre/ convenience shopping centre in the master plan) of the city. In this case, the agency will work to maximize the revenue gains, which can be used for city development.

4. Permission criteria:-

All on premises advertising devices/ business/trade signs should be restricted to commercial areas and authorized business/trade establishments within institutional areas:

- Under no circumstances shall On Premise Advertising Device be permitted in residential areas.
- Under no circumstances shall illuminated on premise signs be permitted to be in shops/commercial establishments facing residential areas on streets with width less than 12 meters.
- No sign shall be attached in any way to trees or shrubs.
- No Trade and Business sign, messages, posters or printed material of any nature shall be posted on any supporting column, pillar or post.
- On Premise Advertising Device in any form shall not obstruct any pedestrian movement (vertically and laterally), fire escape, door or window openings
- No On Premise Advertising Device shall be in any form or manner interferes with openings required for light and ventilation.
- Under no circumstances shall On Premise Advertising Device be located to obstruct or alter the frontal silhouette of any transparent/translucent surfaces/ openings.
- Non-illuminated transparent/translucent signs shall be permitted on transparent/translucent external surfaces at any level.
- No trade and business sign shall be in any form or manner interfere with fire safety transit/exit space requirements and prescribed norms.
- All On Premise Advertising Device should under no circumstances reflect activity/activities other those undertaken within the premises.
- No sign shall contain additional advertising -promoting products or services other than approve use of the premises or site irrespective of whether that product or service is provided, sold or available on the site.
- All on Premise Advertising Device must have the compulsory required information as under:
 - Name of the trade and business
 - Shop/Premise number
- All On Premise Advertising Device must conform to the prevailing laws with regard to decency, decorum, social harmony etc.
- All the signs be visually interesting and exhibit a high level of design quality.
- All On Premise Advertising Device must conform to structural/ architectural discipline of the surface / edifice / building / open areas.
- The scale and location of a sign should be compatible not only with the building to which it is affixed but also take into consideration nearby buildings, streets and existing signs.

- Materials used and all On Premise Advertising Device should be non-polluting, fire resistant and injury proof.
- Any new sign shall consider existing signs on a building, site or adjoining streetscape to ensure that the sign does not give rise to visual signs shall have a minimal projection from a building.
- The cabling and conduit should be concealed from view of the sign and any supporting structure from all angles, including visibility from the street level and nearby higher buildings and against the skyline.
- No sign under any circumstances shall be supported from, hung or placed on other signs. Each sign should be self-supporting or fixed securely with the architectural structure.
- Signs painted on or applied on the roof of a building are not permitted. Signs built and/or suspended from the roof at the roof level are also not permitted.
- The sign information should be kept to a minimum in the interest of both aesthetics and traffic safety.
- Where subordinate information is allowed, the name or use of the business shall be the dominant message on the sign- No supplementary (as in by-lines, product specifications, selling propositions) and subordinate information (addresses, telephone numbers, and other such details) which seeks the attention of drivers along vehicular stretches will be allowed as they present a traffic hazard.
- Sign should be non reflective such that they do not flash or glare at drivers on the streets. Signs should not use reflective surfaces as mirror foils etc as the use of such material are visually disruptive to traffic and can be hazardous to oncoming drivers.
- All permitted signs would attract levies payable as outlined by the respective ULBs.

5. Procedure for grant of permission

The following procedure will apply for grant of permission for erection, exhibition, fixation, retention or display of advertisement:

1. The owner and the self advertiser shall register themselves with concerned ULBs through online or ongoing procedures for a period as decided by the ULBs.
2. Municipal Commissioner/Additional Municipal Commissioner/ Executive Officer/Special Officer shall ensure that
 - a. The registering entity, any one of its directors, owners, proprietors, partners have not been debarred by ULB or any other Government agency for undertaking advertising business;
 - b. The registering entity, any one of its directors, owners, proprietors, and partners do not have any outstanding dues with ULB.
 - c. Such approval shall be provided by Municipal Commissioner/Additional Municipal Commissioner/ Executive Officer/Special Officer within thirty days of submission of application.
 - d. The registering entity has not defaulted in paying tax in respect of advertisement.
3. After ensuring the facts as mentioned above, the Municipal Commissioner/Additional Municipal Commissioner/ Executive Officer/Special Officer shall issue a unique identity number to a registering entity.
4. The Municipal Commissioner/Additional Municipal Commissioner/Executive Officer/ Special Officer shall complete the process of registration process within thirty days.
5. The registration fee and license fee for renewal shall be paid by registering entity as per fixation.

6. The owner and the self advertiser shall request permission for installing hoardings, banners, boards, balloons, gantries, sub-ways illuminated and non-illuminated hoardings (including neon signs, electronic sign boards, video display boards etc.) mobile vans, passage shelters, posters, signs, temporary arches, and any other means of display of advertisement from Municipal Commissioner/Additional Municipal Commissioner/ Executive Officer/Special Officer.
7. No application shall be considered, if it is not submitted in the prescribed Performa along with all the documents as are required by the ULB from time to time.
8. If any tax on advertisement and penalty is not paid within stipulated time after the demand notice, the same shall be recoverable as an arrear of tax and the permission shall be deemed to be terminated. The ULB shall at liberty to remove the hoarding, etc. If any advertisement erected, exhibited, fixed or retained on any land and building unauthorized and in contravention of provision of the Act and the bye-laws framed there under, such advertisements or hoardings shall be removed by the competent authority without any notice whatsoever and expensed regarding removal of such unauthorized advertisement or hoardings shall be recovered from the concerned as per Municipal Commissioner/Additional Municipal Commissioner/ Executive Officer/Special Officer instructions.

6. AUTHORITY TO ISSUE PERMISSION

- 6.1 The Municipal Commissioner in case of a Municipal Corporation or Executive Officer in case of a Nagar Parishad, Nagar Panchayat , Special officer of Notified Area Committee shall have the full authority to accord permission, review, amend, waive or modify the conditions or restrictions for issue of an advertisement through an Authorised Officer on payment of advertisement fee prescribed by the Urban Local Body (ULB).
- 6.2 The applicant agency shall apply for permission to the concerned ULB in the forms as prescribed by the ULB and shall pay the requisite application process fees.
- 6.3 The decision to accept and reject an advertisement shall solely remain in the hands of the Chief Executive Officer/Executive Officer/Special Officer of the ULB based on the compliance with the notified advertisement guideline.
- 6.4 No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk or structure any advertisement, or display any advertisement to public view in any manner whatsoever, visible from a public street or public place, in any place within the city without the written permission of the Authorized Officer of the ULB.
- 6.5 The Authorized Officer of the ULB shall grant permission if–
 - (i) A license for the use of the particular site for purpose of advertisement has been issued and
 - (ii) The fee if any, due in respect of the advertisement has been paid.
- 6.6 The ULB has the right to disapprove a sign or hoarding which it considers to be offensive, or when he is of the opinion that the type, position, size, appearance, illumination, animation, content or other characteristics of the sign or hoarding may adversely affect;
 - (i) The ambience of the area
 - (ii) The architectural character or appearance of the building, Street scape or precinct.

(iii) Traffic safety

7. Advertisement Devices -

As per the policy 2016 the advertisement devices have been categorized as below:

Category 1: Large-format advertisements, mainly fixed on billboards/unipoles and bridge and fly over panels;

Category 2: Advertisements mounted on public amenities, like public toilets, garbage collection points etc;

Category 3: Fleets and transport related infrastructure;

Category 4: Advertisement devices for self-advertising in commercial areas.

The application of control on physical characteristics is intended to minimize the level of driver distraction.

7.1 Control of the physical characteristics of advertising devices shall be as follows:

- Advertising Devices shall not use shapes that could potentially result in an advertising device being mistaken for an official traffic sign.
- Advertising shall not contain flashing red, blue or amber point light sources which, when viewed from the road, could give the appearance of an emergency service or other special purpose vehicle warning light/s.
- All lighting associated with the advertising device shall be directed solely on the advertising

7.2 Outdoor hoarding and their content criteria

The policy will rely upon self-regulatory controls within the advertising industry to enforce minimum advertising standards. Notwithstanding this approach, the city agencies may take action to modify or remove any Advertising Device that contravene the Advertising Industry's Code of Ethics, (refer List of Negative Advertisements) or that otherwise causes a traffic hazard.

7.3 List of negative advertisements

• Nudity
• Racial advertisements or advertisements propagating caste, community or ethnic differences
• Advertisement promoting drugs, alcohol, cigarette or tobacco items
• Advertisements propagating exploitation of women or child
• Advertisement having sexual overtone
• Advertisement depicting cruelty to animals
• Advertisement depicting any nation or institution in poor light
• Advertisement casting aspersion of any brand or person
• Advertisement banned by the Advertisement Council of India

or by law
• Advertisement glorifying violence
• Destructive devices and explosives depicting items
• Lottery tickets, sweepstakes entries and slot machines related advertisements
• Any psychedelic, laser or moving displays
• Advertisement of Weapons and related items (such as firearms, firearm parts and magazines, ammunition etc.)
• Advertisements which may be defamatory, trade libelous, unlawfully threatening or unlawfully harassing
• Advertisements which may be obscene or contain pornography or contain an "indecent representation of women" within the meaning of the Indecent Representation of Women (Prohibition) Act, 1986
• Advertisement linked directly or indirectly to or include description of items, goods or services that are prohibited under any applicable law for the time being in force, including but not limited to the Drugs and Cosmetics Act, 1940, the Drugs And Magic Remedies (Objectionable Advertisements) Act, 1954, the Indian Penal Code, 1860; or
• Any other items considered inappropriate by the municipal bodies.

7.4 Outdoor advertising and conservation areas

There are certain areas where advertising may be inappropriate due to the nature of the surrounding area. Under this policy, advertising will not be allowed in the following areas:

- National Parks, district forests and water bodies in it
 - Historical monuments, cremation grounds, graveyards and ruins
 - World Heritage areas
 - Areas classified as remnant endangered regional ecosystems
 - All religious places, like Temple, Mosque, Church and Gurudwara etc.
- Exceptions to the above restrictions may apply in special circumstances. For example for tourist service/accommodation businesses, advertising devices may be permitted as part of a regional tourist plan.

In rare and exceptional circumstances, applications would be considered on a case-by-case basis by the Urban Local Body in consultation with the relevant authorities; namely the Urban Development and Housing Department, Jharkhand police and other responsible agencies

8. OPERATIONAL GUIDELINES

8.1 Physical Characteristics

8.1.1 Size and Shape

Advertising devices shall not use shapes that could potentially result in an advertising device being mistaken for an official traffic sign.

8.1.2 Colour

- i. The code of practice for Road Signs IRC: 67-2001, by Indian Roads congress prescribes the basic design parameters of official traffic signs and includes standard legend/background colour combinations.
- ii. Advertising devices shall not use colours that could potentially result in an advertising device being mistaken for an official traffic sign.

8.1.3 Illumination and Luminance

- i. Advertising shall not contain flashing red, blue or amber point light sources which, when viewed from the road could give the appearance of an emergency service or warning lights.
- ii. External illumination sources shall be shielded and should not face the observer directly.
- iii. Illumination of advertising device should be concealed or be an integral part of it.

8.1.4 Prohibited Advertising Device Content

- i. Advertisements propagating racial, caste or community discrimination
- ii. Advertisements depicting cruelty to animals
- iii. Advertisements containing nudity
- iv. Advertisements glorifying violence
- v. Advertisements propagating exploitation of woman or child
- vi. Advertisements banned by Council of India or by law
- vii. Advertisement of drugs, alcohol, cigarette or tobacco items
- viii. Advertisements depicting any Nation or Institution in poor light
- ix. Advertisements with indecent or obscene content (graphics, images or text)
- x. Advertisements of weapons and related items
- xi. Any other list of negative advertisements notified by the ULBs

8.1.5 Structure

- i. Advertisement Device structures shall be in accordance with the relevant Indian structural design standards and relevant codes of practice.
- ii. The registered advertisers shall give self declaration regarding this through undertaking.
- iii. The ULB may take up post verification, as and when required or even sue motto. Where structures are not in accordance with the Indian Standard Design and relevant code of practice, penalty will be imposed and the advertisement device will be pulled down.
- iv. The device structure should be well maintained. It shall be painted in colours that are consistent with, and enhance appearance of the surrounding area.
- v. The name of the advertising device license holder should be placed in a conspicuous position on the device.

8.2 Places for display of advertisements

- 8.2.1 ULB may allow display of advertisement on any land, building, wall, hoarding, frame, post, kiosk, structure or in any manner whatsoever for public view, visible from a public street or public place, in any place

within the geographical limits of the ULB, provided the guidelines are complied with.

8.2.2 **No Advertisement Zones**

General In front of / inside the compound of/ on the walls of any

- i. Buildings of archaeological, architectural, aesthetical, historical or heritage importance
- ii. Places of worship or of religions significance
- iii. Statues, minarets or pillars of heritage importance
- iv. Painted advertisements on tree barks/other fauna
- v. Hospitals and nursing homes
- vi. Educational institutions
- vii. Cremation grounds, graveyards
- viii. Police stations, post offices, any Government or Municipal Corporation building/ office
- ix. Parks and Gardens
- x. Water Bodies
- xi. Any other list notified by the ULBs

8.3 **Electrical Connection and Promotion of Renewable Energy**

- 8.3.1 The electrical connections to advertising devices shall be in accordance with relevant Indian Standards.
- 8.3.2 The power consumer or the licensee shall make application for power connection and shall obtain electricity connection from the Electricity Company in his/her name.
- 8.3.3 The electrical installation work shall be performed in accordance with the electricity regulations. If there is any violation of Indian standards, the concerned authority can take suitable action and the electronic device can be disconnected.
- 8.3.4 As far as possible, the illumination devices at all outdoor advertising devices shall draw power from alternate renewable resources like Solar Power.
- 8.3.5 Incentives shall be given in the form of reduced monthly license fee (25% rebate) to all advertisers who invest in alternate renewable resources for drawing power supply for illumination.

9. **Implementation of the policy**

9.1 **Compliance, enforcement and removal of unauthorised advertising devices**

Any unauthorized and non-conforming device installed at any location, property, vehicle, bridge, building etc shall be removed. No leniency shall be shown towards any violator or unauthorized device. There will be strict adherence to the Advertisement policy, 2016.

9.2 **Legal Action**

Legal proceedings or the issue of an infringement letter may be undertaken for an unauthorized Advertising Device (in addition to removing the device). The unauthorised advertisement will be removed immediately, at the cost of the advertiser, for which no legal notice is required to be given. All legal action can be taken which falls in the jurisdiction of Jharkhand High court. Action can be taken, apart from others provision under the “Bihar prevention of defacement of property act, 1985” as adopted by the State of Jharkhand.

9.3 Arbitration

In case of any dispute, the matter will be referred to an Arbitrator under 'Arbitration & Conciliation Act-1996'

9.4 Jurisdiction

All disputes shall be subject to the jurisdiction of the courts of respective ULBs only.

9.5 Indemnity

A licensee/sign owner/applicant (licensee) shall be required to indemnify the ULB for the designated Advertising Device and activities located within the boundaries of ULB. The licensee shall indemnify the ULB against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon the ULB which arise as a result of the installation of an Advertising Device. The licensee shall keep the ULB indemnified against all actions, proceedings, claims, demands, costs losses damages and expenses which may be brought against, or made upon, the ULB which might arise from the existence of such Advertising Device. The advertiser shall always be responsible for any injury or damage caused to or suffered by any person or property arising out of or relating to the display of device/ advertisement and the consequential claim shall be borne by the advertiser who will also indemnify and safeguard the ULB in respect of any such claim or claims.

9.6 Insurance

The Licensee shall provide evidence of public liability insurance for the advertising devices and activities located within the boundaries of ULB.

9.7 Appeals

Among other things, a person whose interests are affected by a decision relating to an advertising device may lodge such an appeal before Principal Secretary, Urban Development and Housing Department, Government of Jharkhand. The ULBs shall provide a statement of reasons for the decision.

10. Some Recommendations for Jharkhand advertisement Policy, 2016 for dynamic system and potential locations:

1. The Outdoor Advertisement Policy, 2016 will apply to all advertisements irrespective of the jurisdiction of land. However, the revenue sharing model will differ in different cases.
2. It should also be ensured that the awarded contracts are not allowed to continue beyond the contractual period.
3. The tax on each advertisement shall be payable in advance for the concerned financial year. All dues shall be payable in cash or by pay order or by demand draft.
4. 15% space can be reserved for welfare/ government and development policy.
5. Incentives can be given in the form of reduced monthly license fee (25% rebate) to all advertisers, who invest in alternate renewable resources for drawing power supply for illumination.

11. Some Suggestive steps

1. Dividing the area categorising in different Zones:

- a. On the basis of Commercial/Residential/Industrial Zones
- b. On the basis of commutable density
- c. On the basis of Eye catching area
- d. On the basis of width of the road
2. Identification of potential locations for hoardings by ULBs
3. **Registration of advertising agencies:** The different agencies desirous of seeking advertisements for their land/ devices/vehicles will do so with strict adherence to the provisions of this policy. As per the procedures laid down for the grant of permission, the agencies will apply and seek prior permission to display advertisements. The revenue sharing model will be agreed upon between ULB and the concerned agency.
4. Floating tender for bidding of advertising zones/locations
5. Online tender can also be floated apart from local tender.
6. The ULBs can prepare an Outdoor Media Device (OMD) Master Plan for the area which comes under the jurisdiction of the ULBs. All the existing and proposed OMD with their GPS coordinates will be marked on the MIS map of the city and the same can be made available on the website. The ULBs can develop a transparent Information based system for monitoring of the hoardings.
7. The State Government/ULBs can make regulation for the implementation of the advertisement Policy.

12. Power of the State Government

- 12.1 Notwithstanding anything contained in the foregoing paragraphs of the Jharkhand affordable Housing Policy for Urban Areas, the State Government by issuance of notification in the official gazette may amend or withdraw any of the provisions and/or the schemes mentioned herein above.
- 12.2 If any difficulty arises in giving effect to provisions of the Jharkhand Affordable Housing Policy for Urban Areas and/or if any dispute arises about the interpretation of any provisions of the said policy, the same shall be referred to the Chief Minister through Chief Secretary and thereon the decision taken shall be final.

By the order of the Governor of Jharkhand,

Arun Kumar Singh,
Principal Secretary
Urban Development and Housing Department
Jharkhand, Ranchi.
